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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN CARROLL DEMOCKER,

Defendant.

) No. P1300CR20081339

) Div. 6

) **MOTION FOR EXPEDITED**
) **HEARING**

22 Steven DeMocker, by and through counsel, hereby respectfully requests that this
23 Court set an expedited hearing in this matter to address unresolved motions. Mr.
24 DeMocker's death penalty trial is set to begin in less than eight weeks time. Mr.
25 DeMocker has several pending motions that affect critical issues in the case - including
26 whether certain late disclosed expert and lay witnesses will be permitted to testify at trial,
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28

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2010 MAR 10 PM 4:03 ✓

JEANNE LEAS, CLERK

BY: S. FIELDS

1 whether the State will be permitted to introduce at trial certain late disclosed forensic and
2 other evidence and whether the case will remain a death penalty case. Counsel
3 understand that this Court set a hearing in this matter for March 30, 2010. However, a
4 ruling on or after that date, which would put Mr. DeMocker exactly five weeks before
5 trial in a death penalty case, is simply not early enough to permit Mr. DeMocker and his
6 defense team effectively prepare for trial. The resources of the defense team are strapped
7 given the State's ongoing disclosure- tens of thousands of pages in the last month – and
8 the defense requires rulings on these motions to properly provide the assistance of
9 counsel to Mr. DeMocker in the weeks before his capital trial.

10 In a case where unknown male DNA is underneath the victim's fingernails and the
11 State openly acknowledges "unsolved" aspects of the crime, it is necessary that the
12 parties understand, before five weeks in advance of trial, what evidence and witnesses
13 will be presented at trial and whether the case is a death penalty case. These rulings are
14 urgently necessary to protect Mr. DeMocker's Fifth, Sixth, Eighth Amendment Rights as
15 well as his rights under the Due Process and Confrontation Clauses and the Arizona
16 counterparts.

17 CONCLUSION

18 Defendant Steven DeMocker, by and through counsel, hereby requests that this
19 Court immediately hold an expedited hearing to resolve the pending motions.

20 DATED this 10th day of March, 2010.

21
22
23 By: _____

24 John M. Sears
25 P.O. Box 4080
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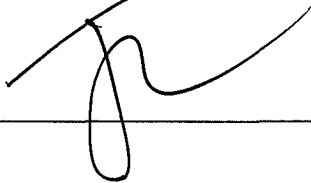
ORIGINAL of the foregoing hand delivered for
filing this 10th day of March, 2010, with:

Jeanne Hicks
Clerk of the Court
Yavapai County Superior Court
120 S. Cortez
Prescott, AZ 86303

COPIES of the foregoing hand delivered this
this 10th day of March, 2010, to:

The Hon. Thomas B. Lindberg
Judge of the Superior Court
Division Six
120 S. Cortez
Prescott, AZ 86303

Joseph C. Butner, Esq.
Prescott Courthouse basket

A handwritten signature in black ink, appearing to be "JC Butner", is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.